

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CAROL KNOX,	)	
	)	
Plaintiff,	)	Civil Action No. 2:15-CV-01434- BW
	)	
v.	)	Judge Billy Roy Wilson
	)	
PPG INDUSTRIES, INC.,	)	
	)	
Defendant.	)	
	)	

**DEFENDANT’S MOTION TO STAY BRIEFING ON  
PLAINTIFF’S PETITION FOR ATTORNEY’S FEES AND COSTS**

Defendant PPG Industries, Inc. respectfully moves this Court to stay Defendant’s briefing obligation to respond to Plaintiff’s Petition for Attorney’s Fees and Costs (Doc. No. 193) until such time as all pending pre-judgment motions have been resolved and a judgment has been entered in this matter. In support of this motion, PPG states as follows:

1. This case proceeded to trial on October 1, 2018.
2. During the trial, PPG moved for, and renewed, a motion for judgment as a matter of law. (Trial Tr., Oct. 4, 2018, at 13-17, 53; Doc No. 174.) Plaintiff filed an opposition brief on November 19, 2019, (Doc No. 192), and that motion remains pending before the Court.
3. On October 4, 2018, the jury returned a verdict in favor of Plaintiff as follows: \$993,495 for front pay damages, \$478,585 for back pay damages, and \$1,500,000 for emotional distress damages. (Doc No. 179).
4. The \$1,472,080 in total front pay and back pay damages was an advisory award and was not binding on this Court. *See Martsolf v. United Airlines, Inc.*, Civ. No. 13-1581, 2015 WL 4255636, at \*14 (W.D. Pa. July 14, 2015) (“Back pay and front pay are equitable remedies to be determined by the court.”); *Fillman v. Valley Pain Specialists, P.C.*, Civ. No. 13-cv-01609, 2016 WL

192656, at \*4 (E.D. Pa. Jan. 15, 2016) (“findings by an advisory jury are not binding, for the ultimate responsibility for finding the facts remains with the court.”).

5. Subsequent to the entry of the jury’s verdict on the docket, Defendant filed a Motion to Reduce Jury’s Advisory Verdict on Front Pay and Back Pay (Doc. No 185), which also remains pending before the Court.

6. The Court has not entered judgment in this case pursuant to Federal Rules of Civil Procedure 54 and 58.

7. Rule 54(d)(2)(ii) requires the motion for attorneys’ fees specify the judgment entitling the movant to relief.

8. Unless and until a judgment has been entered in her favor, Plaintiff is not entitled to relief, thus her Petition is premature.

9. Moreover, the propriety of fees and costs to which Plaintiff is entitled, if any, may depend on the nature and amount of relief she receives, an issue which remains unresolved.

10. While the Court has not yet set a deadline for Defendant to respond to Plaintiff’s Petition, Defendant respectfully requests that the Court stay any such obligation until such time as a judgment have been entered in this matter.

WHEREFORE, Defendant respectfully requests that the Court grant this Motion and stay Defendant’s obligation to respond to Plaintiff’s Petition for Attorney’s Fees and Costs until judgment has been entered in this matter. A Proposed Order is attached.

Respectfully submitted,

*/s/ Theodore A. Schroeder*

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*Counsel for Defendant,*

*PPG Industries, Inc.*

Dated: March 7, 2019

**CERTIFICATE OF SERVICE**

I hereby certify that on this 7th day of March, 2019, a copy of the foregoing **Defendant's Motion to Stay Briefing on Plaintiff's Petition for Attorney's Fees and Costs** was served and filed using the Western District of Pennsylvania's ECF system, through which this document is available for viewing and downloading, causing a notice of electronic filing to be served upon the following counsel of record:

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/s/ Theodore A. Schroeder  
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